

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

MICHAEL HOLBROOK,

Plaintiff,

v.

THANH T. DUONG DBA HECKER PASS
 GAS & MART DBA SHELL MINI-
 MART, ET AL.,

Defendants.

Case No.: C 10-5414 PSG

**ORDER DISSOLVING ORDER TO
 SHOW CAUSE**

Pursuant to General Order 56, Plaintiff Michael Holbrook (“Holbrook”) filed a notice of need for mediation.¹ The ADR Department in this court then advised the undersigned that Defendant Thanh T. Duong (“Duong”) and his attorney refused to participate in mediation as prescribed in General Order 56. No relief from the requirements of General Order 56 had been granted by this court, nor had any relief pursuant to Civ.L.R. 7-11 been sought. As a result, Duong and his attorney were ordered to show cause why they should not be sanctioned for failing to comply with General Order 56. Both Duong and his attorney, Susan Dondershine, appeared on December 13, 2011.

At the hearing, Ms. Dondershine explained that because she was unavailable on the date of

¹ See Docket No. 36.

1 the mediation and because Duong has no resources to offer in settlement, they did not participate in
2 mediation. Ms. Dondershine apologized for not cooperating more fully with the ADR Department
3 and stated that she understood her obligations under General Order 56.

4 While the court remains troubled by this abject failure to comply with the rules of this court,
5 even after being reminded by court staff of these rules, the court is persuaded that sanctions are not
6 appropriate at this time. Accordingly,

7 IT IS HEREBY ORDERED that the Order to Show Cause dated December 5, 2011 is
8 dissolved.

9 Dated: 12/15/2011

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11 PAUL S. GREWAL
12 United States Magistrate Judge
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